

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>DEWEY KEITH VENABLE,</b>	)	<b>Civil Action No. 7:14cv00295</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>WARDEN RANDALL</b>	)	
<b>MATHENA, <i>et al.</i>,</b>	)	<b>By: Norman K. Moon</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that Venable's second pending motion to amend (Docket No. 112) is **GRANTED**; the other pending motions to amend (Docket Nos. 100, 116, 117) are **DENIED**; defendants Unit Manager Swiney, Lt. Franklin, and Sgt. Miller's motion to dismiss (Docket No. 120) is **DENIED in part** as to the claim about living conditions and is **GRANTED in part** as to the claim about receiving an informal complaint form; defendant McCoy's motion for summary judgment (Docket No. 80) is **GRANTED in part** as to the retaliation claim and the claim about the conditions of confinement between September 2013 and July 2014, and it is **DENIED in part** as to conditions of confinement claim and bystander liability claim arising from the events of April 23-24, 2013; defendants Bentley, Collins, Deel, Mathena, Mullins, and Vitatoe's motion for summary judgment (Docket No. 41) is **GRANTED in part** as to the claims against Mathena, and it is **DENIED in part** as to the excessive force and bystander claims against Bentley, Collins, Deel, Mullins, and Vitatoe.

The Clerk shall send copies of this order and the accompanying memorandum opinion to the parties.

**ENTER:** This 23rd day of September, 2015.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE